

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Gerard MARGUERIE et al. Conf. 3522

Application No. 10/587,697 Group 1614

Filed September 27, 2006 Examiner Meghan Finn

HYDRAZIDE TYPE COMPOUNDS AND THE USE THEREOF IN PHARMACEUTICAL
COMPOSITIONS FOR THE TREATMENT OF CARDIOVASCULAR DISEASES

Declaration Under 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

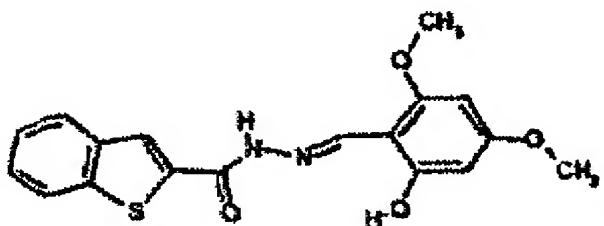
I, Gerard MARGUERIE, hereby declare as follows:

I am one of the named inventors of the above-
identified U.S. patent application.

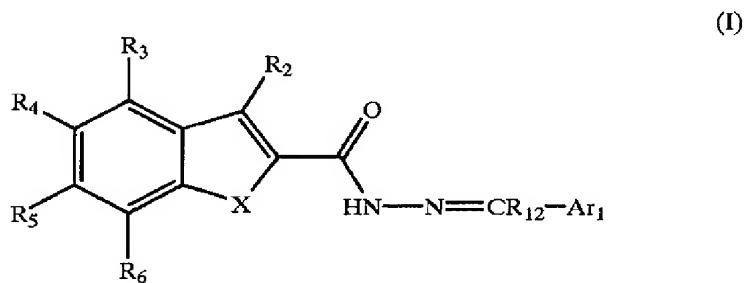
I have read the Official Action mailed November 10, 2009, and I am familiar with the present application. The Official Action rejects the claims based as being obvious over CAI et al. U.S. 2003/0105140 A1 ("CAI"), specifically for the reason that the compounds according to formula (I) the CAI appear to be similar to the claimed invention.

However, the Official Action does not appreciate the specific combination of substituent groups according to the claimed compounds will result in the claimed therapeutic activities, which are different than those disclosed by CAI.

Compounds according to the claimed invention are for treating and/or preventing of diseases associated with lipid captionation by cells and associated metabolism disorders. One of the claimed compounds is the elected species CGP02-01, or $N' - [(1E) - (2-hydroxy-4,6-dimethoxyphenyl)methylene]-1-$ benzothiophene-2-carbohydrazide:

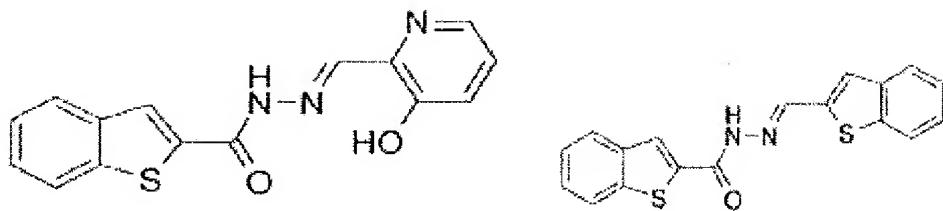


I have compared the biological activity of some of the compounds suggested by formula (I) of CAI:



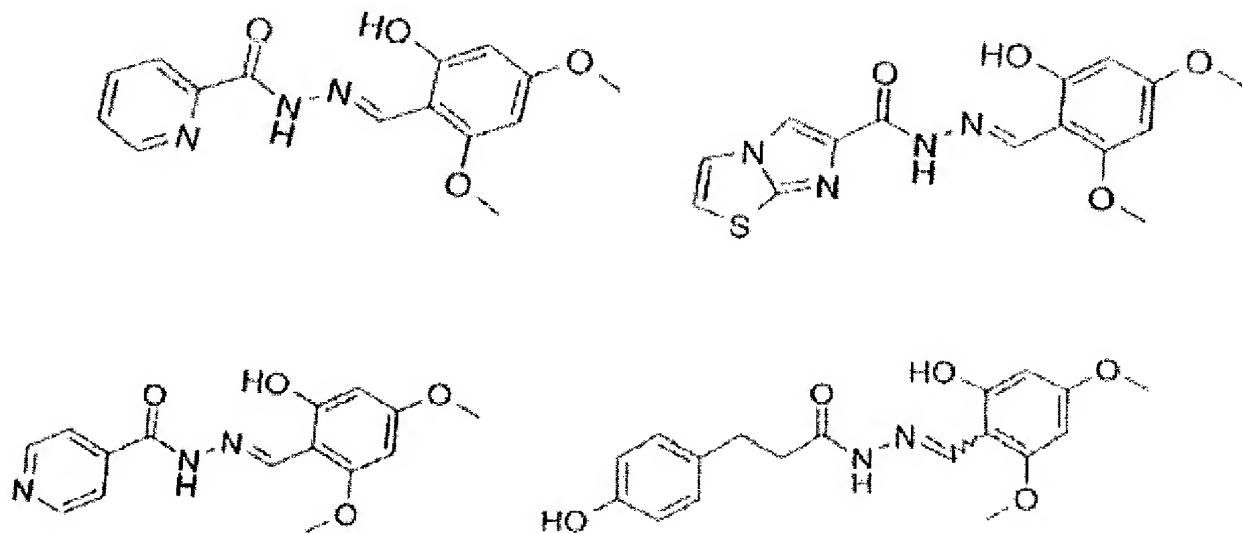
These compounds, according to CAI, are for treating cancer diseases.

The compounds according Formula (I) of CAI, however, that do not share the claimed therapeutical activity, such as:



Thus, the claimed compounds provide an unexpected superior result to those suggested by CAI.

Furthermore other compounds which do not show therapeutical activity, but may appear to be similar to the general formula of the claimed invention include:



These results may be compared to the active structures at page 38 and 39 of the present specification.

Thus, in view of the above the claimed compounds are non-obvious.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Gerard MARGUERIE

March 9, 2010

Date